

108TH CONGRESS
1ST SESSION

H. R. 3260

To amend title 38, United States Code, to extend certain authorities for health care services and reporting dates and to augment certain health care business practices or programs administered by the Secretary of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

Mr. SMITH of New Jersey (for himself and Mr. EVANS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to extend certain authorities for health care services and reporting dates and to augment certain health care business practices or programs administered by the Secretary of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans’ Extended Health Care Services and Business
6 Enhancements Act of 2003”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Five-year extension of period for provision of noninstitutional extended-care services and required nursing home care.
- Sec. 3. Improved benefits for former prisoners of war.
- Sec. 4. Enhancements to enhanced-use lease authority.
- Sec. 5. Department of Defense participation in revolving supply fund purchases.
- Sec. 6. Enhancement of authorities relating to nonprofit research corporations.
- Sec. 7. Report date changes.
- Sec. 8. Designation of Department of Veterans Affairs Medical Center, Prescott, Arizona, as the Bob Stump Department of Veterans Affairs Medical Center.

3 **SEC. 2. FIVE-YEAR EXTENSION OF PERIOD FOR PROVISION**
 4 **OF NONINSTITUTIONAL EXTENDED-CARE**
 5 **SERVICES AND REQUIRED NURSING HOME**
 6 **CARE.**

7 (a) NONINSTITUTIONAL EXTENDED CARE SERV-
 8 ICES.—Section 1701(10)(A) of title 38, United States
 9 Code, is amended by striking “the date of the enactment
 10 of the Veterans Millennium Health Care and Benefits Act
 11 and ending on December 31, 2003,” and inserting “No-
 12 vember 30, 1999, and ending on December 31, 2008,”.

13 (b) REQUIRED NURSING HOME CARE.—Section
 14 1710A(c) of such title is amended by striking “December
 15 31, 2003” and inserting “December 31, 2008”.

16 (c) EXTENSION OF REPORT DATE.—Section 101(i)
 17 of the Veterans Millennium Health Care and Benefits Act
 18 (38 U.S.C. 1710A note) is amended by striking “January
 19 1, 2003,” and inserting “January 1, 2008,”.

1 **SEC. 3. IMPROVED BENEFITS FOR FORMER PRISONERS OF**
 2 **WAR.**

3 (a) OUTPATIENT DENTAL CARE FOR ALL FORMER
 4 PRISONERS OF WAR.—Section 1712(a)(1)(F) of title 38,
 5 United States Code, is amended by striking “and who was
 6 detained or interned for a period of not less than 90
 7 days”.

8 (b) EXEMPTION FROM PHARMACY COPAYMENT RE-
 9 QUIREMENT.—Section 1722A(a)(3) of such title is amend-
 10 ed—

11 (1) by striking “or” at the end of subparagraph
 12 (A);

13 (2) by redesignating subparagraph (B) as sub-
 14 paragraph (C); and

15 (3) by inserting after subparagraph (A) the fol-
 16 lowing new subparagraph (B):

17 “(B) to a veteran who is a former prisoner of
 18 war; or”.

19 **SEC. 4. ENHANCEMENTS TO ENHANCED-USE LEASE AU-**
 20 **THORITY.**

21 (a) INCREASED FLEXIBILITY UNDER ENHANCED-
 22 USE LEASES.—Section 8162(a)(2)(B) of title 38, United
 23 States Code, is amended—

24 (1) by striking “proposed by the Under Sec-
 25 retary for Health” and inserting “proposed by one
 26 of the Under Secretaries”; and

1 (2) by striking “to the provision of medical care
2 and services” and inserting “to the programs and
3 activities of the Department”.

4 (b) NOTIFICATION OF PROPERTY TO BE LEASED.—
5 Section 8163 of such title is amended—

6 (1) in the first sentence of subsection (a)—

7 (A) by striking “designate a property to be
8 leased under an enhanced-use lease” and insert-
9 ing “enter into an enhanced-use lease with re-
10 spect to certain property”; and

11 (B) by striking “before making the des-
12 ignation” and inserting “before entering into
13 the lease”;

14 (2) in subsection (b), by striking “of the pro-
15 posed designation” and inserting “to the congres-
16 sional veterans’ affairs committees and to the public
17 of the proposed lease”; and

18 (3) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) by striking “designate the property
21 involved” and inserting “enter into an en-
22 hanced-use lease of the property involved”;
23 and

1 (ii) by striking “to so designate the
2 property” and inserting “to enter into such
3 lease”;

4 (B) in paragraph (2), by striking “90-day
5 period” and inserting “45-day period”;

6 (C) in paragraph (3)—

7 (i) by striking “general description”
8 in subparagraph (D) and inserting “de-
9 scription of the provisions”; and

10 (ii) by adding at the end the following
11 new subparagraph:

12 “(G) A summary of a cost-benefit analysis of
13 the proposed lease.”; and

14 (D) by striking paragraph (4).

15 (c) DISPOSITION OF LEASED PROPERTY.—Section
16 8164 of such title is amended—

17 (1) in subsection (a)—

18 (A) by striking “by requesting the Admin-
19 istrator of General Services to dispose of the
20 property pursuant to subsection (b)” in the
21 first sentence; and

22 (B) by striking the third sentence;

23 (2) in subsection (b)—

1 (A) by striking “Secretary and the Admin-
2 istrator of General Services jointly determine”
3 and inserting “Secretary determines”; and

4 (B) by striking “Secretary and the Admin-
5 istrator consider” and inserting “Secretary con-
6 siders”; and

7 (3) in subsection (c), by striking “90 days” and
8 inserting “45 days”.

9 (d) USE OF PROCEEDS.—Section 8165 of such title
10 is amended—

11 (1) in subsection (a)—

12 (A) by inserting after “of this title” the
13 following: “, except that any funds received by
14 the Department under an enhanced-use lease in
15 support of the Veterans Benefits Administra-
16 tion or the National Cemetery Administration
17 and remaining after any deduction from such
18 funds under subsection (b) shall be credited to
19 applicable appropriations of that Administra-
20 tion”; and

21 (B) in paragraph (2), by striking “and re-
22 maining after” and all that follows through
23 “nursing home revolving fund” and inserting
24 “shall be deposited in applicable appropriations
25 of the Administration of the Department that

1 had functional control of the leased property be-
 2 fore the Secretary entered into the enhanced-
 3 use lease”;

4 (2) in subsection (b), by adding at the end the
 5 following new sentence: “The Secretary may use the
 6 proceeds from any enhanced-use lease to reimburse
 7 applicable appropriations of the Department for any
 8 expenses incurred in the development of additional
 9 enhanced-use leases.”; and

10 (3) by striking subsection (c).

11 (e) CLERICAL AMENDMENTS.—(1) The heading of
 12 section 8163 of such title is amended to read as follows:

13 **“§ 8163. Hearing and notice requirements regarding**
 14 **proposed leases”.**

15 (2) The item relating to section 8163 in the table of
 16 sections at the beginning of chapter 81 of such title is
 17 amended to read as follows:

 “8163. Hearing and notice requirements regarding proposed leases.”.

18 **SEC. 5. DEPARTMENT OF DEFENSE PARTICIPATION IN RE-**
 19 **VOLVING SUPPLY FUND PURCHASES.**

20 (a) ENHANCEMENT OF DEPARTMENT OF DEFENSE
 21 PARTICIPATION.—Section 8121 of title 38, United States
 22 Code, is amended—

23 (1) by redesignating subsections (b) and (c) as
 24 subsections (d) and (e), respectively;

1 (2) by designating the last sentence of sub-
2 section (a) as subsection (c); and

3 (3) by inserting after paragraph (3) of sub-
4 section (a) the following new subsection:

5 “(b) The Secretary may authorize the Secretary of
6 Defense to make purchases through the fund in the same
7 manner as activities of the Department. When services,
8 equipment, or supplies are furnished to the Secretary of
9 Defense through the fund, the reimbursement required by
10 paragraph (2) of subsection (a) shall be made from appro-
11 priations made to the Department of Defense, and when
12 services or supplies are to be furnished to the Department
13 of Defense, the fund may be credited, as provided in para-
14 graph (3) of subsection (a), with advances from appropria-
15 tions available to the Department of Defense.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall apply only with respect to funds ap-
18 propriated for a fiscal year after fiscal year 2003.

19 **SEC. 6. ENHANCEMENT OF AUTHORITIES RELATING TO**
20 **NONPROFIT RESEARCH CORPORATIONS.**

21 (a) COVERAGE OF PERSONNEL UNDER TORT CLAIMS
22 LAWS.—(1) Subchapter IV of chapter 73 of title 38,
23 United States Code, is amended by inserting after section
24 7364 the following new section:

1 **“§ 7364A. Coverage of employees under certain Fed-**
2 **eral tort claims**

3 “(a) An employee of a corporation established under
4 this subchapter who is described by subsection (b) shall
5 be considered an employee of the government, or a medical
6 care employee of the Veterans Health Administration, for
7 purposes of the following provisions of law:

8 “(1) Section 1346(b) of title 28.

9 “(2) Chapter 171 of title 28.

10 “(3) Section 7316 of this title

11 “(b) An employee described in this subsection is an
12 employee who—

13 “(1) has an appointment with the Department,
14 whether with or without compensation;

15 “(2) is directly or indirectly involved or engaged
16 in research or education and training that is ap-
17 proved in accordance with procedures established by
18 the Under Secretary for Health for research or edu-
19 cation and training; and

20 “(3) performs such duties under the supervision
21 of Department personnel.”.

22 (2) The table of sections at the beginning of such
23 chapter is amended by inserting after the item relating
24 to section 7364 the following new item:

“7364A. Coverage of employees under certain Federal tort claims.”.

1 (b) CLARIFICATION OF EXECUTIVE DIRECTOR'S
2 ETHICS CERTIFICATION DUTIES.—Section 7366(c) of
3 such title is amended—

4 (1) by inserting “(1)” after “(c)”;

5 (2) by striking “any year—” and all that fol-
6 lows through “shall be subject” and inserting “any
7 year shall be subject”;

8 (3) by striking “functions; and” and inserting
9 “functions.”; and

10 (4) by striking paragraph (2) and inserting the
11 following:

12 “(2) Each corporation established under this sub-
13 chapter shall each year submit to the Secretary a state-
14 ment signed by the executive director of the corporation
15 verifying that each director and employee has certified
16 awareness of the laws and regulations referred to in para-
17 graph (1) and of the consequences of violations of those
18 laws and regulations in the same manner as Federal em-
19 ployees are required to.”.

20 (c) FIVE-YEAR EXTENSION OF AUTHORITY TO ES-
21 TABLISH RESEARCH CORPORATIONS.—Section 7368 of
22 such title is amended by striking “December 31, 2003”
23 and inserting “December 31, 2008”.

1 **SEC. 7. REPORT DATE CHANGES.**

2 (a) SENIOR MANAGERS QUARTERLY REPORT.—Sec-
3 tion 516(e)(1)(A) of title 38, United States Code, is
4 amended by striking “30 days” and inserting “45 days”.

5 (b) ANNUAL REPORT ON ASSISTANCE TO HOMELESS
6 VETERANS.—Section 2065(a) of such title is amended by
7 striking “April 15 of each year” and inserting “June 15
8 of each year”.

9 (c) ANNUAL REPORT OF COMMITTEE ON CARE OF
10 SEVERELY CHRONICALLY MENTALLY ILL VETERANS.—
11 Section 7321(d)(2) of such is amended by striking “Feb-
12 ruary 1, 1998, and February 1 of each of the six following
13 years” and inserting “June 1 of each year through 2004”.

14 (d) ANNUAL REPORTS ON LONG-RANGE HEALTH
15 PLANNING.—Section 8107 of such title is amended—

16 (1) in subsection (a), by striking “each year” in
17 the second sentence and all that follows through
18 “title 31” and inserting “June 1 of each year”; and

19 (2) in subsection (c), by striking “January 31”
20 and inserting “June 1”.

21 (e) ANNUAL REPORT ON SHARING OF HEALTH CARE
22 RESOURCES.—Section 8153(g) of such title is amended by
23 striking “not more than 60 days after the end of each
24 fiscal year” and inserting “not later than February 1 of
25 each year”.

1 (f) ANNUAL REPORT OF SPECIAL COMMITTEE ON
2 PTSD.—Section 110(e)(2) of the Veterans’ Health Care
3 Act of 1984 (38 U.S.C. 1712A note) is amended by strik-
4 ing “February 1 of each of the three following years” and
5 inserting “May 1 of each year through 2004”.

6 **SEC. 8. DESIGNATION OF DEPARTMENT OF VETERANS AF-**
7 **FAIRS MEDICAL CENTER, PRESCOTT, ARI-**
8 **ZONA, AS THE BOB STUMP DEPARTMENT OF**
9 **VETERANS AFFAIRS MEDICAL CENTER.**

10 The Department of Veterans Affairs Medical Center
11 located in Prescott, Arizona, shall after the date of the
12 enactment of this Act be known and designated as the
13 “Bob Stump Department of Veterans Affairs Medical
14 Center”. Any reference to such medical center in any law,
15 regulation, map, document, or other paper of the United
16 States shall be considered to be a reference to the Bob
17 Stump Department of Veterans Affairs Medical Center.

